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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MATTHEW FRASER, by his Guardian Ad
Litem JUDITH ANN FRASER, et al.,

Plaintiffs,

v.

TAMALPAIS UNION HIGH SCHOOL
DISTRICT,

Defendant.

No. C-06-1255 MMC

**ORDER OVERRULING OBJECTION TO
UNTIMELY OPPOSITION TO MOTION
TO DISMISS; EXTENDING DEADLINE
TO FILE REPLY**

Before the Court is defendant's objection, filed May 8, 2006, to plaintiffs' untimely opposition to defendant's motion to dismiss. The motion to dismiss was filed April 14, 2006 and noticed for hearing May 19, 2006. Pursuant to Civil Local Rule 7-3, any opposition thereto was required to be filed "not less than 21 days before the hearing date," which in this instance was April 28, 2006. See Civil L.R. 7-3(a). Plaintiffs filed their opposition one week late, on May 5, 2006. Defendant argues that the opposition should be stricken as untimely or, alternatively, that the Court should extend the deadline for defendant to file its reply.

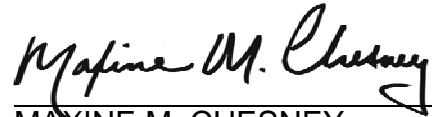
To date, plaintiffs have submitted no justification for their untimely filing. The Court expects the parties to familiarize themselves with the requirements of the Local Rules of

1 this District. Because there is no prejudice to defendant if it is granted additional time to file
2 a reply, however, the Court will not strike the untimely opposition but, rather, will extend the
3 deadline for defendant to file its reply.

4 Accordingly, defendant's objection to plaintiff's untimely opposition is hereby
5 OVERRULED. The deadline for defendant to file its reply is hereby EXTENDED to May 12,
6 2006. Absent further order of the Court, the motion remains scheduled for hearing on May
7 19, 2006.

8 **IT IS SO ORDERED.**

9 Dated: May 9, 2006


MAXINE M. CHESNEY
United States District Judge